

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q90549

Nobuaki KUSHIDA, et al.

Appln. No.: 10/551,417

Group Art Unit: 1625

Confirmation No.: 3997

Examiner: Charanjit AULAKH

Filed: September 30, 2005

For: NOVEL PHYSIOLOGICALLY ACTIVE SUBSTANCES PF1270A, B AND C  
SUBSTANCES

STATEMENT OF AVAILABILITY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, MEIJI SEIKA KAISHA, LTD., of 4-16, Kyobashi 2-Chome, Chuo-Ku, TOKYO  
104-8002, JAPAN, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and  
claimed in the above-identified application, as evidenced by the Assignment recorded on  
September 30, 2005, at REEL 017860, FRAME 0306.

We agree that upon allowance and issuance of the above identified application into a  
United States Patent, restriction on availability of the following deposit will be irrevocably  
removed:

***Penicillium waksmanii* PF1270**

which is designated in the specification of the above-identified application and was  
deposited under the terms of the Budapest Treaty at the International Patent Organism  
Depositary, National Institute of Advanced Industrial Science and Technology (Central 6, 1-1-1,  
Higashi, Tsukuba, Ibaraki, Japan 305-8566) under FERM BP-08610.

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Attorney Docket No.: Q90549

We agree that the above-identified microorganism designated in the above identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

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/Susan J. Mack/  
Susan J. Mack  
Registration No. 30,951

*On behalf of:*  
IMMUNOGEN, INC.

WASHINGTON DC SUGHRUE/265550

**65565**

CUSTOMER NUMBER

Date: October 23, 2008